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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,445

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT

PAPER NUMBER

2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,445	<b>Applicant(s)</b> FUJIMOTO ET AL.	
	<b>Examiner</b> PETER AGUSTIN	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. This application is a national stage entry of PCT/JP03/15817, filed December 10, 2003.
2. Claims 1-7 are currently pending.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

4. Figures 1A-3G should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g.,

Page 3, fourth to the last line: "wiring" should be --writing--.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

7. Claims 1, 2, 4 & 5 are objected to because of the following informalities:

Claim 1, line 4: "PCA (Power Calibration Area)" should be --Power Calibration Area (PCA)--.

Claim 1, lines 4-5: "OPC (Optimum Power Calibration)" should be --Optimum Power Calibration (OPC)--.

Claim 2, lines 3-4: "R-OPC (Running Optimum Control)" should be --Running Optimum Control (R-OPC)--.

Claim 4, lines 3-4: "PCA (Power Calibration Area)" should be --Power Calibration Area (PCA)--.

Claim 4, line 4: "OPC (Optimum Power Calibration)" should be --Optimum Power Calibration (OPC)--.

Claim 5, lines 3-4: "R-OPC (Running Optimum Control)" should be --Running Optimum Control (R-OPC)--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kono (US 5,305,296).

In regard to claim 1, Kono discloses an optical recording method in an optical recording device for recording data on an optical recording medium by an optical pickup (see title), said optical recording method comprising the steps of: searching a test writing area PCA (Figure 2, step S9: “search test area”) that can be used for an OPC on the optical recording medium when the optical recording medium is inserted into the optical recording device (step S1: “disc is loaded”) and allowing the optical pickup to stand by at that position (column 4, lines 53-59: “searching the plurality of test areas for one test area”); and carrying out an OPC operation at the stand-by position (column 4, lines 53-59: “applying the light beam to the test area to effect test recording therein to measure an optimum light intensity for recording information”) when an input of a recording operation of data is received (column 4, line 51: “in response to a predetermined command”), moving the optical pickup to a data recording area on the optical recording medium after an optimum power is obtained, and recording the data in the data recording area on the optical recording medium by the optical pickup (column 4, lines 59-62: “recording information in the information recording area with the light beam applied thereto with the measured optimum light intensity”).

Claim 4 has similar limitations as claim 1; thus, it is rejected on the same grounds.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 3, 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kono in view of Hagiwara et al. (US 6,987,717).

For a description of Kono, see the rejection above. However, Kono does not disclose: in regard to claim 2, that real recording data is recorded in the data recording area by the optical pickup moved to the data recording area on the optical recording medium to obtain a reference value of an R-OPC and record the data while the R-OPC is performed on the basis of the obtained reference value; and in regard to claim 3, that the reference value of the R-OPC is obtained in accordance with a normalization by a normalizing coefficient table read upon inserting an optical disc.

Hagiwara et al. disclose: in regard to claim 2, that real recording data is recorded in a data recording area by an optical pickup moved to the data recording area on an optical recording medium to obtain a reference value of an R-OPC and record the data while the R-OPC is performed on the basis of the obtained reference value (column 27, lines 46-60); and in regard to claim 3, that the reference value of the R-OPC is obtained in accordance with a normalization by a normalizing coefficient table read upon inserting an optical disc (column 27, lines 50-54: “a value obtained by, for example, normalizing a level of the reproduction signal during a recording by the recording power is considered as a B-value”; column 27, lines 57-58: “optimum B-value determining/storing unit 109”).

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied this teaching of Hagiwara et al. to the method of Kono, the motivation being to accurately determine the recording power and other recording conditions even at a different linear velocity, thereby performing high-quality recording (column 29, lines 21-25).

Claims 5 & 6 have similar limitations as claims 2 & 3; thus, they are rejected on the same grounds.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kono in view of the admitted prior art.

For a description of Kono, see the rejection above. However, Kono does not disclose: in regard to claim 7, an image pick-up means to record a video signal obtained by the image pick-up means on the optical recording medium.

The admitted prior art discloses: in regard to claim 7, an image pick-up means to record a video signal obtained by the image pick-up means on an optical recording medium (understood from page 7, paragraph 3 of the specification). It would have been obvious to one of ordinary skill in the art at the time of invention to have applied the teachings of the admitted prior art to the recording device of Kono, the motivation being to enable storage of video data.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawano et al. (US 6,480,448) disclose a disc player wherein test recording is performed during a recording stand-by time period.

Matsumoto (US 7,046,600) discloses an optical disc apparatus wherein a table stored in a memory is read, and ROPC using the shoulder level value corresponding to the set recording linear velocity as a target value is performed by making reference to this table.

Chen (US 2003/0123352) discloses a method that first constructs a reference table before writing data onto a compact disc; and then utilizes the reference table to find corresponding

writing powers and target reflected pulse levels for each of the linear velocities to write data onto the compact-disc using a running optimum power control procedure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Agustin whose telephone number is (571) 272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/  
Patent Examiner  
Art Unit 2627